

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH, CENTRAL DIVISION	
VERGIL ANN JACKSON, Plaintiff, v. RGIS, LLC,, et al., Defendant.	AMENDED REPORT AND RECOMMENDATION Case No. 2:15-cv-10 TS District Judge Ted Stewart Magistrate Judge Brooke Wells

This case is referred to the undersigned by District Judge Ted Stewart pursuant to [28 U.S.C. § 636\(b\)\(1\)\(B\)](#).¹ On April 14, 2015 the undersigned entered an order to show cause directing Plaintiff, Vergil Ann Jackson, to show cause as to why this matter (the 010 case) is different than another case she filed on the same date as this one (2:15-cv-009).² In accordance with the court's order Plaintiff filed a response on April 28, 2015.³ The court has carefully reviewed the response and after doing so RECOMMENDS that this matter be dismissed based upon the courts discretion to control the docket because this case is duplicative of the 009 matter.⁴

In her response Plaintiff requests a lawyer. A request previously denied in this case.⁵ Plaintiff also objects to various orders entered by the court including denying her motion to

¹ Docket no. 6. The court notes that the original recommendation was corrected due to an error in the case caption.

² Order dated April 14, 2015, [docket no. 14](#).

³ [Docket no. 22](#).

⁴ *Katx v. Gerardi*, 655 F.3d 1212, 1217 (10th Cir. 2011); *Colo. River Water Conserv. Dist. v. United States*, 424 U.S. 800, 817 (1976) ("As between federal district courts . . . though no precise rule has evolved, the general principle is to avoid duplicative litigation.").

⁵ [Docket no. 7](#).

transfer the case and denying her request for an extension of time. Those objections are not relevant to the question of whether or not this case is duplicative of the 009 case.

Finally, the court notes that in the 009 case it granted Plaintiff's motion for service of process.⁶ Defendant RGIS sought an extension of time to answer in that matter but it appears that the 009 case will continue to move forward toward resolution. Thus, any concerns about not allowing this case to proceed are alleviated.

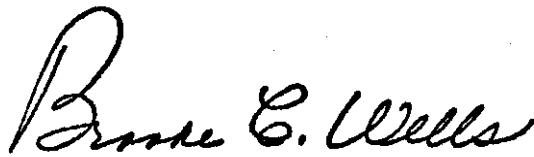
A review of both cases reveals that they involve the same parties, same interests, same facts, and Plaintiff seeks the same relief. Accordingly, based upon the court's inherent power to manage its docket and the general principle to avoid duplicative litigation the undersigned RECOMMENDS this case be dismissed.⁷

RECOMMENDATION

The undersigned RECOMMENDS that this case be DISMISSED as duplicative of the 009 case.

Copies of the foregoing report and recommendation shall be mailed to all parties who are hereby notified of their right to object. Any objection must be filed within fourteen (14) days after being served with a copy.⁸ Failure to object may constitute a waiver of objections upon subsequent review.

DATED this 11 May 2015.

A handwritten signature in black ink, reading "Brooke C. Wells". The signature is written in a cursive, flowing style. The first letter of "Brooke" is a large, stylized capital 'B'. The signature is positioned above a horizontal line.

Brooke C. Wells
United States Magistrate Judge

⁶ Order dated April 14, 2015 in 2:15-cv-009.

⁷ See *Katz*, 655 F.3d at 1217; *Colo. River Water*, 424 U.S. at 817.

⁸ See Fed. R. Civ. P. 72(b)(2).